

subsection (e) are in addition to and do not preclude any other remedy available under law to a person claiming relief under this section, including any award for consequential or punitive damages.”

2008—Subsec. (a)(1). Pub. L. 110-289, § 2203(b)(1), substituted “in excess of 6 percent—” for “in excess of 6 percent per year during the period of military service.” and added subpars. (A) and (B).

Subsec. (d). Pub. L. 110-289, § 2203(b)(2), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “As used in this section, the term ‘interest’ includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.”

Subsecs. (e), (f). Pub. L. 110-389 added subsecs. (e) and (f).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section applicable to any case not final before Dec. 19, 2003, see section 3 of Pub. L. 108-189, set out as a note under section 3901 of this title.

#### § 3938. Child custody protection

##### (a) Duration of temporary custody order based on certain deployments

If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is a servicemember, the court shall require that the temporary order shall expire not later than the period justified by the deployment of the servicemember.

##### (b) Limitation on consideration of member's deployment in determination of child's best interest

If a motion or a petition is filed seeking a permanent order to modify the custody of the child of a servicemember, no court may consider the absence of the servicemember by reason of deployment, or the possibility of deployment, as the sole factor in determining the best interest of the child.

##### (c) No Federal jurisdiction or right of action or removal

Nothing in this section shall create a Federal right of action or otherwise give rise to Federal jurisdiction or create a right of removal.

##### (d) Preemption

In any case where State law applicable to a child custody proceeding involving a temporary order as contemplated in this section provides a higher standard of protection to the rights of the parent who is a deploying servicemember than the rights provided under this section with respect to such temporary order, the appropriate court shall apply the higher State standard.

##### (e) Deployment defined

In this section, the term “deployment” means the movement or mobilization of a servicemember to a location for a period of longer than 60 days and not longer than 540 days pursuant to temporary or permanent official orders—

- (1) that are designated as unaccompanied;
- (2) for which dependent travel is not authorized; or
- (3) that otherwise do not permit the movement of family members to that location.

(Oct. 17, 1940, ch. 888, title II, § 208, as added Pub. L. 113-291, div. A, title V, § 566(a), Dec. 19, 2014, 128 Stat. 3384.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 528 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### § 3938a. Annual notice to members of the Armed Forces regarding child custody protections guaranteed by the Servicemembers Civil Relief Act

The Secretaries of each of the military departments shall ensure that each member of the Armed Forces with dependents receives annually, and prior to each deployment, notice of the child custody protections afforded to members of the Armed Forces under the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

(Pub. L. 114-328, div. A, title V, § 573, Dec. 23, 2016, 130 Stat. 2141.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Servicemembers Civil Relief Act, referred to in text, is act Oct. 17, 1940, ch. 888, 54 Stat. 1178, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

##### CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2017, and not as part of the Servicemembers Civil Relief Act which comprises this chapter.

#### SUBCHAPTER III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES, COMMUNICATIONS SERVICE CONTRACTS

#### Editorial Notes

##### CODIFICATION

Pub. L. 115-407, title III, § 304(b)(2)(A), Dec. 31, 2018, 132 Stat. 5375, substituted “RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES, COMMUNICATIONS SERVICE CONTRACTS” for “RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES, TELEPHONE SERVICE CONTRACTS” in heading.

Pub. L. 111-275, title III, § 302(b), Oct. 13, 2010, 124 Stat. 2876, inserted “, TELEPHONE SERVICE CONTRACTS” after “LEASES” in heading.

#### § 3951. Evictions and distress

##### (a) Court-ordered eviction

###### (1) In general

Except by court order, a landlord (or another person with paramount title) may not—

(A) evict a servicemember, or the dependents of a servicemember, during a period of military service of the servicemember, from premises—

- (i) that are occupied or intended to be occupied primarily as a residence; and
- (ii) for which the monthly rent does not exceed \$2,400, as adjusted under paragraph (2) for years after 2003; or

(B) subject such premises to a distress during the period of military service.

**(2) Housing price inflation adjustment**

(A) For calendar years beginning with 2004, the amount in effect under paragraph (1)(A)(ii) shall be increased by the housing price inflation adjustment for the calendar year involved.

(B) For purposes of this paragraph—

(i) The housing price inflation adjustment for any calendar year is the percentage change (if any) by which—

(I) the CPI housing component for November of the preceding calendar year, exceeds

(II) the CPI housing component for November of 1984.

(ii) The term “CPI housing component” means the index published by the Bureau of Labor Statistics of the Department of Labor known as the Consumer Price Index, All Urban Consumers, Rent of Primary Residence, U.S. City Average.

**(3) Publication of housing price inflation adjustment**

The Secretary of Defense shall cause to be published in the Federal Register each year the amount in effect under paragraph (1)(A)(ii) for that year following the housing price inflation adjustment for that year pursuant to paragraph (2). Such publication shall be made for a year not later than 60 days after such adjustment is made for that year.

**(b) Stay of execution**

**(1) Court authority**

Upon an application for eviction or distress with respect to premises covered by this section, the court may on its own motion and shall, if a request is made by or on behalf of a servicemember whose ability to pay the agreed rent is materially affected by military service—

(A) stay the proceedings for a period of 90 days, unless in the opinion of the court, justice and equity require a longer or shorter period of time; or

(B) adjust the obligation under the lease to preserve the interests of all parties.

**(2) Relief to landlord**

If a stay is granted under paragraph (1), the court may grant to the landlord (or other person with paramount title) such relief as equity may require.

**(c) Misdemeanor**

Except as provided in subsection (a), a person who knowingly takes part in an eviction or distress described in subsection (a), or who knowingly attempts to do so, shall be fined as provided in title 18, or imprisoned for not more than one year, or both.

**(d) Rent allotment from pay of servicemember**

To the extent required by a court order related to property which is the subject of a court action under this section, the Secretary concerned shall make an allotment from the pay of a servicemember to satisfy the terms of such

order, except that any such allotment shall be subject to regulations prescribed by the Secretary concerned establishing the maximum amount of pay of servicemembers that may be allotted under this subsection.

**(e) Limitation of applicability**

Section 3932 of this title is not applicable to this section.

(Oct. 17, 1940, ch. 888, title III, §301, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2845; amended Pub. L. 111-275, title III, §303(b)(2), Oct. 13, 2010, 124 Stat. 2877.)

**Editorial Notes**

**CODIFICATION**

Section was formerly classified to section 531 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**PRIOR PROVISIONS**

A prior section 301 of act Oct. 17, 1940, ch. 888, art. III, 54 Stat. 1182; Oct. 6, 1942, ch. 581, §9(a), (c), (d), 56 Stat. 771; Pub. L. 102-12, §9(9), Mar. 18, 1991, 105 Stat. 40, related to installment contracts for purchase of property, prior to the general amendment of this Act by Pub. L. 108-189. See section 3952 of this title.

Provisions similar to this section were contained in section 300 of act Oct. 17, 1940, ch. 888, art. III, 54 Stat. 1181; Oct. 6, 1942, ch. 581, §8, 56 Stat. 771; Pub. L. 89-358, §10, Mar. 3, 1966, 80 Stat. 28; Pub. L. 102-12, §§2(a), (b), 9(8), Mar. 18, 1991, 105 Stat. 34, 39, prior to the general amendment of this Act by Pub. L. 108-189.

**AMENDMENTS**

2010—Subsec. (c). Pub. L. 111-275 amended subsec. (c) generally. Prior to amendment, subsec. (c) related to penalties.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE**

Section applicable to any case not final before Dec. 19, 2003, see section 3 of Pub. L. 108-189, set out as a note under section 3901 of this title.

**§ 3952. Protection under installment contracts for purchase or lease**

**(a) Protection upon breach of contract**

**(1) Protection after entering military service**

After a servicemember enters military service, a contract by the servicemember for—

(A) the purchase of real or personal property (including a motor vehicle); or

(B) the lease or bailment of such property,

may not be rescinded or terminated for a breach of terms of the contract occurring before or during that person's military service, nor may the property be repossessed for such breach without a court order.

**(2) Applicability**

This section applies only to a contract for which a deposit or installment has been paid by the servicemember before the servicemember enters military service.

**(b) Misdemeanor**

A person who knowingly resumes possession of property in violation of subsection (a), or in violation of section 3918 of this title, or who know-